

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
DINO F. BUCCI, JR, TRUSTEE
JANET DUNN, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Engineering Consultant
(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.


APPROVAL OF THE AGENDA

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made. Items 8 and 9 were described as Public Hearings rather than New Business, and item 16 was withdrawn at the petitioner's request.

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3.  Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by KRZEMINSKI seconded by KOEHS to approve both bill runs as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

4. The minutes of the previous meeting held on June 28, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by MALBURG to approve the minutes of the meeting of June 28, 2006 as presented.

MOTION carried.

5. **Consent Agenda Items:**

A. Clerk's Department:

1. Remaining Site Plan Bond Release Request; Waldenburg Plaza; Permanent Parcel Number 08-28-101-010.
2. Monument and Irons Bond Release Request; The Rivers Subdivision, Phases 1, 2 & 3; Permanent Parcel Number 08-06-451-003.
3. Wall Sign Bond Release Request; Macomb Centre Veterinary Hospital; Permanent Parcel Number 08-17-476-005.
4. Model Permit Bond Release Request; Windemere Woods Subdivision #5, Lot 297; 46032 Middle Branch Court.
5. Monument and Irons Bond Release Request; Sycamore Estates; Permanent Parcel Number 08-26-100-001.
6. Model Permit Bond Release Request; Summerfield Estates Subdivision #5 Lot 240, 48168 Thistle Drive.
7. Landscape and Site Plan Bond Release Request; Sycamore Estates Subdivision; Permanent Parcel Number 08-26-100-001

B. Water and Sewer Department

1. Easement Encroachment Agreement, Gerald & Susan Glass, 21489 Glacier, Macomb, MI 48044, Lot 41, Deerfield Park East Sub.
2. Easement Encroachment Agreement, Paul Lattorre, 51910 Watkins Glen Drive, Macomb, MI 48042, Lot 127, Westwood Estates Sub.
3. Easement Encroachment Agreement, Kevin & Lisa Van Hulle, 19950 Chesterbrook Drive, Macomb, MI 48044, Lot 33, Lancaster Subdivision.
4. Easement Encroachment Agreement, Daniel Vanlacken, 48386 Tecumseh Drive, Macomb, MI 48044, Lot 71, Lancaster Subdivision.
5. Easement Encroachment Agreement, Richard McNaughton, 48408 Tecumseh Drive, Macomb, MI 48044, Lot 72, Lancaster Subdivision
6. Easement Encroachment Agreement, Riyadh & Giusepphina Hami, 21797 Sabrina Drive, Macomb, MI 48044, Lot 281, Edinburgh Estates Sub.
7. Easement Encroachment Agreement, Carl & Margaret A. Robidou, 22355 Ermington Court, Macomb, MI 48044, Unit No. 209, Woodberry Estates Condos

C. Department Monthly Reports:

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

1. Building Department
2. Parks and Recreation
3. Macomb County Sheriff

MOTION by BUCCI seconded by NEVERS to approve the consent agenda as presented.

MOTION carried.

6. **Public Comments - (3 minute time limit)**

NONE

AGENDA ITEMS

PLANNING

7. **Proposed Amendment (10-31) to Zoning Ordinance;** Article III, Section 10.0311(f)(9), and Article VII, Section 10.0701 (D)(3)(b); Regarding fences.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and indicated that the Board has already amended Chapter 14 in the Code of Ordinances, and that this is the corresponding amendment in the Zoning Ordinance. He also stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Proposed Amendment (10-31) to Zoning Ordinance; Article III, Section 10.0311(f)(9), and Article VII, Section 10.0701 (D)(3)(b); Regarding fences as follows:

**Township Of Macomb
Macomb County, Michigan
Ordinance No. 10-31
Proposed Amendments of the Township of Macomb
Zoning ordinance
Title**

**An ordinance amending the Township of Macomb Zoning Ordinance, being Ordinance No. 10 of the Macomb Township Ordinances, as amended,
THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB,
MICHIGAN ORDAINS:
Section 1. AMENDMENTS**

The Zoning Ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb Ordinances, is hereby further amended as follows:

**ARTICLE III, GENERAL PROVISIONS, SECTION 10.0311 E-Rear Yards
Subparagraph: f.9) shall be added to read:**

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

In the case of double frontage or through lots where lots front on both a local or collector street and a major road the yard area between the existing building line and the major road shall be considered a rear yard and regulated according to the rear yard provisions of the applicable Residential District. Further, a fence may be permitted on the lot line opposite the local street line.

ARTICLE VII, RESIDENTIAL URBAN ONE-FAMILY DISTRICT (R-1) SECTION

Sec. 10.0704. Site limitations.

D. *Minimum yard setback:*

3. Rear Yard: subparagraph b. shall be amended to read as follows:

b. Residential lots: Thirty-five (35) feet except when rear yards abuts any public road, then the rear yard for principal building shall be sixty-five (65) feet. For accessory structures ~~and fences~~ the setback shall be twenty-five (25) feet. Fences are regulated as per Sec. 10.0311 E. f-9. of the Zoning Ordinance.

Section 2. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 3. PUBLICATION

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

Section 4. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days after publication.

Section 5. CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 12th day of July, 2006, by the following vote of the members thereof:

**AYES: KRZEMINSKI, BUCCI, DUNN, NEVERS, MALBURG, KOEHS,
BRENNAN**

NAYS: NONE

MOTION carried.

PUBLIC HEARINGS

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

8. **Adopt Resolution Establishing a Street Lighting Special Assessment District; Lancaster Subdivision; Section 28**

Several residents of the subdivision addressed the Board and indicated their opposition to the street lighting. Supervisor BRENNAN asked if the Homeowners association had clear majority of approval from the homeowners. Jeanette Menig, President of the Homeowners Association, informed the Board that a mailing was sent out asking that those opposed to the project return the letter indicating their opposition. There was further discussion regarding the method of determining what the majority of homeowners really wanted.

MOTION by BUCCI seconded by KRZEMINSKI to close the public hearing at 7:36 p.m.

MOTION carried.

MOTION by NEVERS seconded by KOEHS to tabled this matter and allow the Association time to meet with the homeowners and get some clear direction.

MOTION carried.

MOTION by KRZEMINSKI seconded by BUCCI to amend the previous motion and table the matter to the Board of Trustees meeting scheduled for September 13, 2006, at 7:00 p.m.

MOTION carried.

9. **Request to Adopt Resolutions 3 and 4; Rochelle-Sonnet Sanitary Sewer & Water Main Project.**

Several residents of the subdivision addressed the Board and indicated their opposition to the sewer project. Supervisor BRENNAN reviewed the file and indicated that 55% of the property owners had signed the petition, based on the acreage of the project. Supervisor BRENNAN then asked if anyone who had signed in favor of the petition would now like to withdraw their support. Mr. Joe Arlington came forward and stated he would like to withdraw. The information was verified in the file that he had signed the formal petition, and his property was then removed from the total acreage in support of the project. This removal took the percentage in favor of the project from the original 55% to 51.2 %, as calculated by Mr. James VanTiflin, Consulting Engineer, present at the meeting. The minimum percentage required for this to be considered is 51%.

MOTION by DUNN seconded by NEVERS to close the public hearing at 7:55 p.m.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

MOTION by BUCCI seconded by NEVERS to deny the request to adopt Resolutions 3 and 4 for the Rochelle-Sonnet Sanitary Sewer and Water Main projects.

AYES: BUCCI, NEVERS, DUNN, KRZEMINSKI, MALBURG, KOEHS, BRENNAN

NAYS:NONE

MOTION carried.

NEW BUSINESS

10. **Request to Schedule a Public Hearing Date;** Application for an Industrial Development District; Brown-Campbell, Petitioner. *(August 9, 2006)*

Supervisor BRENNAN reviewed this item and asked Clerk KOEHS for a recommended date for the public hearing. August 9, 2006 was recommended.

MOTION by KOEHS seconded by DUNN to schedule a Public Hearing date for the Application for an Industrial Development District; Brown-Campbell, Petitioner to August 9, 2006.

MOTION carried.

11. **Request for Legal Counsel to Defend** in the Matter of Laurence Wolf Properties v. Macomb Township; Permanent Parcel Number 08-18-300-026

Supervisor BRENNAN reviewed this matter and indicated that this was another Tax Tribunal issue and would not be defended by our insurance carrier.

MOTION by BUCCI seconded by KRZEMINSKI to authorize legal counsel to defend in the Matter of Laurence Wolf Properties v. Macomb Township; Permanent Parcel Number 08-18-300-026.

MOTION carried.

FIRE DEPARTMENT

12. **Request to End the Probation of ten Paid On Call firefighters.**

Fire Chief Robert Phillips advised the Board that ten probationary fire fighters had completed their eighteen months of probation and were all being recommended to have their probation terminated and the title of Fire Fighter awarded to them.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

They are: Shawn Harrower, David Tietze, Anthony Hojnacki, Brian Johnson, Brian Klein, Jared Mento, Keith Saari, Brian Zajac, Brian Radyko and Dennis Wolfe.

MOTION by KOEHS seconded by KRZEMINSKI to end the probationary status of the above named Paid On Call firefighters and award them the title of Fire Fighter.

MOTION carried.

13. Request to Purchase Fire Hose Tester.

Fire Chief Robert Phillips reviewed this item and indicated that if the new engines were used to test the hoses, doing so would void their warranties. He then recommended that the bid for this item be awarded to Apollo Fire Equipment for the amount of two thousand six hundred forty three dollars (2,643.00).

MOTION by DUNN seconded by NEVERS to approve the request to purchase a fire hose tester and award the bid for this item to Apollo Fire Equipment for the amount of two thousand six hundred forty three dollars (\$2,643.00).

MOTION carried.

14. Request to replace carpeting at Fire Station Two.

Fire Chief Robert Phillips reviewed this item and indicated that the carpeting in station was in need of replacement. He then recommended that the bid for this item be awarded to Exclusive Floor Covering for the amount of two thousand one hundred thirty one dollars and fifty cents (\$2,131.50)

MOTION by KRZEMINSKI seconded by MALBURG to approve the request to replace carpeting at Fire Station Two and that the bid for this item be awarded to Exclusive Floor Covering for the amount of two thousand one hundred thirty one dollars and fifty cents (\$2,131.50)

MOTION carried.

15. Request to Purchase 2007 Chevrolet Tahoe Command Vehicle.

Fire Chief Robert Phillips reviewed this item and indicated that the 1995 Suburban that is currently in use is in need of some major repairs and maintenance. He obtained three bids for a new Suburban through the government bid process and is recommending that Heidebreicht Chevrolet be awarded this bid for the amount of thirty five thousand eighteen dollars (\$35,018.00)

MOTION by KRZEMINSKI seconded by MALBURG to approve the Request to Purchase 2007 Chevrolet Tahoe Command Vehicle and that Heidebreicht Chevrolet be awarded this bid for the amount of thirty five thousand eighteen dollars (\$35,018.00)

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

MOTION carried.

HUMAN RESOURCES DEPARTMENT

16. **Request for Training; Leadership Macomb X, 2006-2007**
(Tabled from the Meeting of June 28, 2006)

This item was withdrawn at the petitioner's request.

WATER AND SEWER DEPARTMENT

17. Easement Encroachment Agreement, City of Detroit Board of Water Commissioners

Mr. David Koss, Water & Sewer Superintendent, reviewed this item and indicated that this easement was required to complete the current job at this location.

MOTION by BUCCI seconded by KREZMINSKI to approve the Easement Encroachment Agreement, City of Detroit Board of Water Commissioners.

MOTION carried.

18. Execution of (four) Township Owned Utility Easements, Macomb Township Civic Center

Mr. David Koss, Water & Sewer Superintendent, reviewed this item and indicated that these easements were necessary to complete the expansion of the Parks and Recreation center.

MOTION by KRZEMINSKI seconded by DUNN to approve the Execution of (four) Township Owned Utility Easements, Macomb Township Civic Center.

MOTION carried.

19. Approval of Sanitary Sewer Extension, Card Road.

Mr. David Koss, Water & Sewer Superintendent, reviewed this item and indicated that there is a small gap between two existing sewer projects and that this proposal will close that gap and complete the sewer line.

MOTION by KOEHS seconded by DUNN to approve the Sanitary Sewer Extension, Card Road.

MOTION carried.

20. Purchase Requisition; SLC Meter Service

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

Mr. David Koss, Water & Sewer Superintendent, reviewed this item and indicated that these were inventory restock items and that the whole order came to sixty two thousand six hundred seventy dollars and sixty eight cents (\$62,670.68).

MOTION by DUNN seconded by KRZEMINSKI to approve the Purchase Requisition; SLC Meter Service.

MOTION carried.

BOARD COMMENTS

21. Supervisor Comments:

Supervisor BRENNAN indicated that he is requesting permission to return a sewer bond to the Chippewa Valley Schools which they had previously posted. Because of the approval of item 19, this bond is no longer needed.

MOTION by DUNN seconded by BUCCI to authorize the Supervisor to return the sewer bond to the Chippewa Valley School District.

MOTION carried.

22. Clerk Comments: The absentee ballots for the August primary will be placed in the mail tomorrow morning.

23. Treasurer Comments: NONE

24. Trustees Comments: NONE

EXECUTIVE SESSION

MOTION by KOEHS seconded by BUCCI to adjourn to Executive Session.

MOTION carried. (Adjourned to Executive Session at 8:10 p.m.)

25. **Consideration of Consent Judgment; Beaumont Hospital v. Macomb Township; Circuit Court Case No. 06-1474-AA.**

MOTION by KOEHS seconded by BUCCI to authorize the Supervisor and the Attorney to sign the Consent Judgment; Beaumont Hospital v. Macomb Township; Circuit Court Case No. 06-1474-AA.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by MALBURG to adjourn the meeting at 8:15 p.m.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JULY 12, 2006

MOTION carried.

Respectfully submitted,

John D. Brennan
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk